

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Douglas Wayne Smith, Jr.**

**Docket No. 5:11-CR-143-1D**

**Petition for Action on Supervised Release**

COMES NOW Pamela O. Thornton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Douglas Wayne Smith, Jr., who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge on February 8, 2012, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Douglas Wayne Smith, Jr., was released from custody on December 21, 2012, at which time the term of supervised release commenced.

On February 3, 2014, the court was apprised the releasee had tested positive for the use of cocaine on December 23, 2013. He admitted his drug use and subsequently gained admission into Christian Recovery House, a residential drug treatment program in Wilmington, North Carolina. Supervision was continued to allow Mr. Smith to work on his recovery, with a warning that additional drug use could result in a return to court.

On March 31, 2015, the court was apprised the releasee had tested positive for the use of cocaine on March 26, 2015. The releasee admitted to using cocaine and attributed his use to marital problems. Mr. Smith was referred for treatment, re-enrolled in the surprise urinalysis program (SUP), and encouraged to return to residential treatment.

On May 5, 2015, the court was apprised the releasee had used cocaine on March 31, 2015, following a separation from his wife. This relapse is considered part of the earlier violation behavior reported to the court on March 31, 2015. The releasee willingly returned to a residential substance abuse program to provide him with support while he worked on his sobriety. The court continued the releasee on supervision and modified his conditions to include two weekends in jail as a sanction for his behavior. The releasee satisfied his jail sanction on June 21, 2015.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 20 and 21, 2015, the releasee submitted urine screens which revealed positive results for marijuana. Following his testing, on October 22, 2015, the releasee admitted to the probation officer that he had attended an oyster roast on October 18, and had eaten brownies which later he was told contained marijuana. He stated he was not aware that the brownies contained marijuana at the time he ate them. He further stated he found out after he told a friend at the same party that he had to report for drug testing. He apologized and stated he did not intentionally ingest marijuana.

Mr. Smith's supervision is scheduled to expire on December 20, 2015. He is currently working two jobs and is compliant with all other conditions of supervision. It is recommended that the releasee perform community service work as a sanction for his marijuana use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.

Except as herein modified, the judgment shall remain in full force and effect.

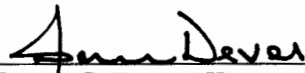
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton

Pamela O. Thornton  
Senior U.S. Probation Officer  
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Wilmington, N.C.28401  
Phone: 910-679-2048  
Executed On: November 3, 2015

#### ORDER OF THE COURT

Considered and ordered this 4 day of November, 2015 and ordered filed and made a part of the records in the above case.

  
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James C. Dever III  
Chief U.S. District Judge